

2009 DRAFTING REQUEST

Bill

Received: **01/07/2009**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Hynek**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters: **jkreye**

Subject: **Public Util. - telco**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Hynek, BB0342 -

Topic:

Appropriating assessments for shared revenue purposes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/P8			phenry 02/02/2009	_____ _____	lparisi 02/02/2009		S&L
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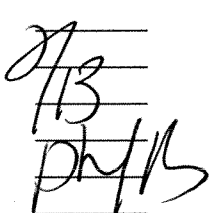
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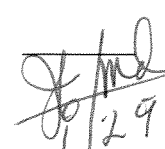
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Extending universal service fund assessment to cellular providers and appropriating assessments for shared revenue purposes

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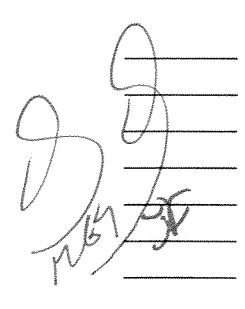
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Under "Proofed": "1/24/09", "ph", "cmH"

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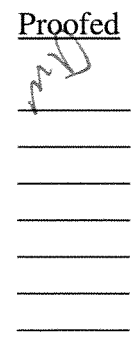
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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	mkunkel	nnatzke	rschluet	_____	cduerst		
	01/08/2009	01/12/2009	01/12/2009	_____	01/12/2009		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: **01/07/2009**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Hynek**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters: **jkreye**

Subject: **Public Util. - telco**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Hynek, BB0342 -

Topic:

Extending universal service fund assessment to cellular providers and appropriating assessments for shared revenue purposes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel	/pl ^{nwn} 1/9					

FE Sent For:

<END>

-1360

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Extend Universal Service Assessment to Cellular Providers/Shared Revenue
- Tracking Code: BB0342
- SBO team: Tax, Transportation and Budget Development
- SBO analyst: Sara Hynek
 - Phone: 266-1923
 - Email: sara.hynek@wisconsin.gov
- Agency acronym: PSC
- Agency number: 155/835
- Priority (Low, Medium, High): High

50% from only
cell phone
customers or
all customers?
↓
50% from all
customers.

Intent: to extend Universal Service assessments to cellular providers, and use Universal Service funds to replace 5 percent reductions in the county and municipal aid and expenditure restraint appropriations.

- 196.202
(2)
- Extend universal service assessments to cellular providers. While we understand that PSC currently has authority to assess these providers under current law and simply could rescind an order, it is preferred that the applicability of the assessments be specified in statute.

JR

- Create new annual appropriations in s. 20.835(1) for expenditure restraint and county and municipal aid, funded with the universal service fund.

JR

- Amend s. 79.035 to reflect that expenditure restraint payments county and municipal aid will not come out of the aid account only, but also out of the Universal Service Fund.

✓

- Revise s. 196.218(3) to require utilities to contribute for the amounts under the new appropriations.

✓

- Allow all providers subject to the USF assessment to itemize on the consumer bill a "911 and emergency response surcharge" for the assessment rate related to the new county and municipal aid appropriation.

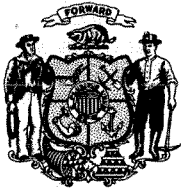
196.202
(2)

- Provide for any reporting requirements necessary to effectuate the assessment on cellular providers, as they are not currently regulated by PSC.

JR

- Require maintenance of effort by local governments. The budget message will direct local governments to use the USF portion of shared revenue for fire, police and other emergency services. Local governments will be required to maintain a

level of service (to be determined after further consultation) notwithstanding the directive to use shared revenue for these services.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1360/P1

MDK&JK:f:...

nwn

1-8-09

DOA:.....Hynek, BB0342 - Extending universal service fund assessment to cellular providers and appropriating assessments for shared revenue purposes

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

SA ✓
x-ref ✓

don't gen.

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

SHARED REVENUE

Under current law, county and municipal aid and expenditure restraint (shared revenue) payments are made from the general fund. Under the bill, a portion of the shared revenue payments are made from the state universal service fund. The bill also requires that the amount that each county and municipality spends each year for emergency services is no less than the amount spent for such services in 2008. If a county or municipality spends less than that amount in any year without DOR's approval, DOR may reduce that portion of the county's or municipality's shared revenue payment that is paid from the universal service fund, in an amount determined by DOR.

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

Under current law, with certain exceptions, telecommunications providers must contribute to the state universal service fund (USF), which is used for promoting universal access to telecommunications service and for other specified purposes. Based on the amounts appropriated for such purposes, the PSC must determine how much each telecommunications provider must contribute to the USF.

Telecommunications providers are allowed to establish surcharges or rate adjustments on bills to collect USF contributions from their customers. One of the exceptions to the requirement to contribute to the USF applies to wireless telephone companies, which are referred to under federal and state law as commercial mobile radio service providers (CMRSPs). Current law allows the PSC to require a CMRSP to contribute to the USF only if the PSC promulgates rules that designate CMRSPs as eligible to receive universal service funding under the state USF program, as well as a comparable federal program. This bill eliminates the exception for CMRSPs by eliminating the requirement that the PSC must promulgate such rules.

The bill also requires a portion of county and municipal aid and expenditure restraint (shared revenue) payments to be made from the USF. The PSC must include the amount of such payments in determining how much a telecommunications provider, including a CMRSP, must contribute to the USF. If a telecommunications provider establishes a surcharge or rate adjustment on bills to collect the portion of a telecommunications provider's contribution to the USF that is necessary for the shared revenue payments, the telecommunications provider must identify the surcharge or rate adjustment as "911 and emergency response surcharge" or "911 and emergency response adjustment."

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.835 (1) (c) of the statutes is amended to read:
 2 20.835 (1) (c) *Expenditure restraint program account.* A sum sufficient to make
 3 the payments under s. 79.05, less the amount paid from the appropriation under par.
 4 (q).

History: 1971 c. 125 ss. 192 to 195, 521; 1971 c. 215; 1973 c. 90, 158, 333; 1975 c. 39; 1975 c. 372 s. 41; 1975 c. 424; 1977 c. 29, 31, 313, 418, 447; 1979 c. 34 ss. 637m to 643m, 2102 (46) (d); 1979 c. 221; 1979 c. 329 s. 25 (1); 1979 c. 350 s. 27 (1); 1981 c. 1, 20, 93, 317; 1983 a. 2 ss. 1, 12; 1983 a. 27 ss. 489m, 490m, 2202 (45); 1985 a. 29, 41, 205; 1987 a. 27 ss. 473 to 474r, 476; 1987 a. 92; 1987 a. 312 s. 17; 1987 a. 323, 328, 399, 411, 422; 1989 a. 31 ss. 551 to 557m, 564m; 1989 a. 56 s. 259; 1989 a. 336; 1991 a. 37; 1991 a. 39 ss. 250m, 653m to 659m; 1991 a. 225, 269; 1993 a. 16, 263; 1995 a. 27, 56, 209, 417; 1997 a. 27, 237; 1999 a. 5, 9, 10; 1999 a. 150 s. 672; 1999 a. 167; 2001 a. 16, 105, 109; 2003 a. 31, 33, 320; 2005 a. 25, 36d, 405, 483; 2007 a. 20, 96, 97, 226.

5 **SECTION 2.** 20.835 (1) (db) of the statutes is amended to read:
 6 20.835 (1) (db) *County and municipal aid account.* Beginning in 2004, ~~a~~ ^{strike extra space} sum
 7 sufficient to make payments to counties, towns, villages, and cities under s. 79.035,
 8 less the amount paid from the appropriation under par. (r).

9 **SECTION 3.** 20.835 (1) (q) of the statutes is created to read:

- 1 20.835 (1) (q) *Expenditure restraint program account; universal service fund.*✓
2 From the universal service fund, the amounts in the schedule to make payments
3 under s. 79.05.✓

History: 1971 c. 125 ss. 192 to 195, 521; 1971 c. 215; 1973 c. 90, 158, 333; 1975 c. 39; 1975 c. 372 s. 41; 1975 c. 424; 1977 c. 29, 31, 313, 418, 447; 1979 c. 34 ss. 637m to 643m, 2102 (46) (d); 1979 c. 221; 1979 c. 329 s. 25 (1); 1979 c. 350 s. 27 (1); 1981 c. 1, 20, 93, 317; 1983 a. 2 ss. 1, 12; 1983 a. 27 ss. 489m, 490m, 2202 (45); 1985 a. 29, 41, 205; 1987 a. 27 ss. 473 to 474r, 476; 1987 a. 92; 1987 a. 312 s. 17; 1987 a. 323, 328, 399, 411, 422; 1989 a. 31 ss. 551 to 557m, 564m; 1989 a. 56 s. 259; 1989 a. 336; 1991 a. 37; 1991 a. 39 ss. 250m, 653m to 659m; 1991 a. 225, 269; 1993 a. 16, 263; 1995 a. 27, 56, 209, 417; 1997 a. 27, 237; 1999 a. 5, 9, 10; 1999 a. 150 s. 672; 1999 a. 167; 2001 a. 16, 105, 109; 2003 a. 31, 33, 320; 2005 a. 25, 361, 405, 483; 2007 a. 20, 96, 97, 226.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.✓

- 4 **SECTION 4.** 20.835 (1) (r) of the statutes is created to read:
5 20.835 (1) (r) *County and municipal aid account; universal service fund.*✓ From
6 the universal service fund, the amounts in the schedule to make payments to
7 counties, towns, villages, and cities under s. 79.035.✓

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.✓

- 8 **SECTION 5.** 79.01 (1) of the statutes is amended to read:
9 79.01 (1) There is established an account in the general fund entitled the
10 "Expenditure Restraint Program Account." There shall be appropriated to that
11 account \$25,000,000 in 1991, in 1992, and in 1993; \$42,000,000 in 1994; \$48,000,000
12 in each year beginning in 1995 and ending in 1999; \$57,000,000 in the year 2000 and
13 in the year 2001; \$57,570,000 in 2002; and \$58,145,700 in 2003 and in each year
14 thereafter, less any amount paid from the appropriation account under s. 20.835 (1)
15 (q).✓

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 283, 336; 1975 c. 39; 1977 c. 29, 203; 1979 c. 221; 1989 a. 336; 1993 a. 16, 437; 1999 a. 9; 2001 a. 16, 109; 2003 a. 31.

- 16 **SECTION 6.** 79.035 (1) of the statutes is amended to read:
17 79.035 (1) In 2004 and subsequent years, each county and municipality shall
18 receive a payment from the county and municipal aid account and from the
19 appropriation under s. 20.835 (1) (r) in an amount determined under sub. (2).✓

History: 2001 a. 109; 2003 a. 33, 164, 320, 327.

- 20 **SECTION 7.** 79.07 of the statutes is created to read:

1 **79.07 Expenditures for emergency services.** (1) Except as provided in
2 sub. (3), beginning in 2009, the amount of the budgeted expenditures for emergency
3 services in each county and municipality shall be no less than the amount of the
4 budgeted expenditures for emergency services in that county or municipality in
5 2008, not including one-time expenses. Each county and municipality shall report
6 the amount of its budgeted expenditures for emergency services in 2008 to the
7 department of revenue at the time and in the manner prescribed by the department.✓

8 (2) Annually, beginning in 2009, each county and municipality shall report to
9 the department of revenue✓ the amount of its budgeted expenditures for emergency
10 services for that year. A report under this subsection✓ shall be filed at the time and
11 in the manner prescribed by the department.✓

12 (3) A county or municipality may decrease the amount of its budgeted
13 expenditures for emergency services below its 2008 amount, with the department of
14 revenue's approval, if the decrease in expenditures is a result of operating more
15 efficiently, as determined by the department.✓

16 (4) If a county or municipality fails to comply with this section,✓ the department
17 of revenue may reduce that portion of the county's or municipality's payment under
18 s. 79.035✓ or 79.05✓ that is paid from the appropriation under s. 20.835 (1) (q)✓ or (r)✓,
19 in an amount determined by the department.✓

20 **SECTION 8.** ~~196.202~~ (2) of the statutes is amended to read:

21 196.202 (2) SCOPE OF REGULATION. A commercial mobile radio service provider
22 is not subject to ch. 201 or this chapter, except as provided in sub. (5), and except that
23 a commercial mobile radio service provider is subject to s. 196.218 (3) if the
24 ~~commission promulgates rules that designate commercial mobile radio service~~
25 ~~providers as eligible to receive universal service funding under both the federal and~~

1 ~~state universal service fund programs. If the commission promulgates such rules,~~
2 ~~a commercial mobile radio service provider and~~ shall respond, subject to the
3 protection of the commercial mobile radio service provider's competitive
4 information, to all reasonable requests for information about its operations in this
5 state from the commission necessary to administer ~~the universal service fund s.~~
6 196.218 (3).

History: 1985 a. 297; 1987 a. 27; 1991 a. 39; 1993 a. 36, 496; 1997 a. 27, 140, 218; 1999 a. 32, 150; 2001 a. 16.

7 **SECTION 9.** 196.218 (3) (a) 3. c. of the statutes is created to read:

8 196.218 (3) (a) 3. c. The amount appropriated under s. 20.835 (1) (q) and (r).

9 **SECTION 10.** 196.218 (3) (e) of the statutes is renumbered 196.218 (3) (e) 1. a.

10 and amended to read:

11 196.218 (3) (e) 1. a. A telecommunications provider or other person may
12 establish a surcharge on customers' bills to collect from customers contributions
13 required under this subsection to generate the amounts specified in par. (a) 3. a. and
14 3. b.

History: 1993 a. 496; 1997 a. 27, 41, 237; 1999 a. 9, 29, 185; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

15 **SECTION 11.** 196.218 (3) (e) 1. b. of the statutes is created to read:

16 196.218 (3) (e) 1. b. A telecommunications provider or other person may
17 establish a surcharge on customers' bills to collect from customers contributions
18 required to generate the amounts specified in par. (a) 3. c. If a telecommunications
19 provider or other person establishes such a surcharge, the provider or other person
20 shall identify the surcharge on bills as "911 and emergency response surcharge."

21 **SECTION 12.** 196.218 (3) (e) 2. of the statutes is created to read:

22 196.218 (3) (e) 2. The public service commission shall provide
23 telecommunications providers and other persons the information necessary to
24 establish the surcharges allowed under subd. 1. a. and and 1. b.

SECTION 13. 196.218 (3) (f) of the statutes is amended to read:

196.218 (3) (f) Notwithstanding ss. 196.196 (1) and (5) (d) 2., 196.20 (2m), (5) and (6), 196.213 and 196.215, a telecommunications utility that provides local exchange service may make adjustments to local exchange service rates for the purpose of recovering its contributions to the universal service fund required under this subsection. A telecommunications utility that adjusts local exchange service rates for the purpose of recovering such contributions shall separately identify on customer bills ^{strike extra space} a single amount that is the total amount the portion of the adjustment that is necessary to generate the amounts specified in par. (a) 3. a. and 3. b. and the portion of the adjustment that is necessary to generate the amount specified in par. (a) 3. c., and shall identify the portion necessary to generate the amount specified in par. (3) (a) 3. c. as "911 and emergency response adjustment." The public service commission shall provide telecommunications utilities the information necessary to identify such amounts portions on customer bills.

History: 1993 a. 496; 1997 a. 27, 41, 237; 1999 a. 9, 29, 185; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

SECTION 14. 196.218 (5) (a) 12. of the statutes is created to read:

196.218 (5) (a) 12. For the purpose provided in the appropriations under s.
20.835 (1) (q) and (r).

(END)

Strike

Kreye, Joseph

From: Hynek, Sara - DOA [Sara.Hynek@Wisconsin.gov]
Sent: Thursday, January 15, 2009 3:39 PM
To: Kreye, Joseph; Kunkel, Mark
Subject: LRB 1360 - USF for Shared Revenue

Hello gentlemen, I had a couple comments/questions on this draft and was not sure to which of you to send them, so here goes:

1. Regarding the maintenance of spending at 2008 levels – when we say "budgeted expenditures... in 2008" do we mean expenditures made in 2009 based upon the budgets passed in late 2008? I guess I'm just clarifying that the base year for expenditures should be the budgets set in 2008 with the expenditures to be made in 2009.
2. For the first report of the base year expenditure levels, I think we should specify that any one-time expenditures that the municipality removed from its reported budget level should be reported to DOR as well, and DOR should be allowed to modify the expenditure level if it finds that the expenditures were not true one-time expenditures (or, maybe just in DOR's discretion). That way, DOR can determine whether any local governments are attempting to artificially lower the base spending level.
3. When we state that locals can decrease the amount of budgeted expenditures after DOR approval, is there a way to show that this is a permanent, ongoing decrease? I'm not sure if as drafted the language could be interpreted as allowing a one-time decrease only. Just so the locals don't have to go back to DOR each year.

Thanks much, and let me know if you have comments or questions!

Sara Hynek
Division of Executive Budget & Finance
Department of Administration
101 East Wilson Street, 10th Floor
P.O. Box 7864
Madison, WI 53707-7864
phone: 608-266-1923
fax: 608-267-0372
email: sara.hynek@wisconsin.gov

01/15/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1360/P1
MDK&JK:nwn:rs

stays RMR

DOA:.....Hynek, BB0342 - Extending universal service fund assessment to cellular providers and appropriating assessments for shared revenue purposes

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

in 1-15-09

2009

don't gen

1

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

SHARED REVENUE

Under current law, county and municipal aid and expenditure restraint (shared revenue) payments are made from the general fund. Under the bill, a portion of the shared revenue payments are made from the state universal service fund. The bill also requires that the amount that each county and municipality spends each year for emergency services is no less than the amount spent for such services in 2008. If a county or municipality spends less than that amount in any year without DOR's approval, DOR may reduce that portion of the county's or municipality's shared revenue payment that is paid from the universal service fund, in an amount determined by DOR.

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

Under current law, with certain exceptions, telecommunications providers must contribute to the state universal service fund (USF), which is used for promoting universal access to telecommunications service and for other specified purposes. Based on the amounts appropriated for such purposes, the PSC must determine how much each telecommunications provider must contribute to the USF.

Telecommunications providers are allowed to establish surcharges or rate adjustments on bills to collect USF contributions from their customers. One of the exceptions to the requirement to contribute to the USF applies to wireless telephone companies, which are referred to under federal and state law as commercial mobile radio service providers (CMRSPs). Current law allows the PSC to require a CMRSP to contribute to the USF only if the PSC promulgates rules that designate CMRSPs as eligible to receive universal service funding under the state USF program, as well as a comparable federal program. This bill eliminates the exception for CMRSPs by eliminating the requirement that the PSC must promulgate such rules.

The bill also requires a portion of county and municipal aid and expenditure restraint (shared revenue) payments to be made from the USF. The PSC must include the amount of such payments in determining how much a telecommunications provider, including a CMRSP, must contribute to the USF. If a telecommunications provider establishes a surcharge or rate adjustment on bills to collect the portion of a telecommunications provider's contribution to the USF that is necessary for the shared revenue payments, the telecommunications provider must identify the surcharge or rate adjustment as "911 and emergency response surcharge" or "911 and emergency response adjustment."

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.835 (1) (c) of the statutes is amended to read:

2 20.835 (1) (c) *Expenditure restraint program account.* A sum sufficient to make
3 the payments under s. 79.05, less the amount paid from the appropriation under par.
4 (q).

5 **SECTION 2.** 20.835 (1) (db) of the statutes is amended to read:

6 20.835 (1) (db) *County and municipal aid account.* ~~Beginning in 2004, a~~ A sum
7 sufficient to make payments to counties, towns, villages, and cities under s. 79.035,
8 less the amount paid from the appropriation under par. (r).

9 **SECTION 3.** 20.835 (1) (q) of the statutes is created to read:

1 20.835 (1) (q) *Expenditure restraint program account; universal service fund.*
2 From the universal service fund, the amounts in the schedule to make payments
3 under s. 79.05.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 4.** 20.835 (1) (r) of the statutes is created to read:

5 20.835 (1) (r) *County and municipal aid account; universal service fund.* From
6 the universal service fund, the amounts in the schedule to make payments to
7 counties, towns, villages, and cities under s. 79.035.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 5.** 79.01 (1) of the statutes is amended to read:

9 79.01 (1) There is established an account in the general fund entitled the
10 "Expenditure Restraint Program Account." There shall be appropriated to that
11 account \$25,000,000 in 1991, in 1992, and in 1993; \$42,000,000 in 1994; \$48,000,000
12 in each year beginning in 1995 and ending in 1999; \$57,000,000 in the year 2000 and
13 in the year 2001; \$57,570,000 in 2002; and \$58,145,700 in 2003 and in each year
14 thereafter, less any amount paid from the appropriation under s. 20.835 (1) (q).

15 **SECTION 6.** 79.035 (1) of the statutes is amended to read:

16 79.035 (1) In 2004 and subsequent years, each county and municipality shall
17 receive a payment from the county and municipal aid account and from the
18 appropriation under s. 20.835 (1) (r) in an amount determined under sub. (2).

19 **SECTION 7.** 79.07 of the statutes is created to read:

20 **79.07 Expenditures for emergency services.** (1) Except as provided in
21 sub. (3), beginning in ²⁰¹⁰2009, the amount of the budgeted expenditures for emergency
22 services in each county and municipality shall be no less than the amount of the

that

spends each year

SECTION 7

1 budgeted expenditures ^{are} for emergency services ^{spent} in that county or municipality in 2009
2 2008, not including one-time expenses. Each county and municipality shall report
3 the amount ^{it spent} of its budgeted expenditures for emergency services in 2008 to the
4 department of revenue at the time and in the manner prescribed by the department.

5 (2) Annually, beginning in 2009, each county and municipality shall report to
6 the department of revenue the amount of its budgeted expenditures for emergency
7 services for that year. A report under this subsection shall be filed at the time and
8 in the manner prescribed by the department.

9 (3) A county or municipality may decrease the amount ^{it spends} of its budgeted
10 expenditures for emergency services below its ²⁰⁰⁹ 2008 amount, with the department of
11 revenue's approval, if the decrease in expenditures is a result of operating more
12 efficiently, as determined by the department.

13 (4) If a county or municipality fails to comply with this section, the department
14 of revenue may reduce that portion of the county's or municipality's payment under
15 s. 79.035 or 79.05 that is paid from the appropriation under s. 20.835 (1) (q) or (r),
16 in an amount determined by the department.

17 SECTION 8. 196.202 (2) of the statutes is amended to read:

18 196.202 (2) SCOPE OF REGULATION. A commercial mobile radio service provider
19 is not subject to ch. 201 or this chapter, except as provided in sub. (5), and except that
20 a commercial mobile radio service provider is subject to s. 196.218 (3) if the
21 ~~commission promulgates rules that designate commercial mobile radio service~~
22 ~~providers as eligible to receive universal service funding under both the federal and~~
23 ~~state universal service fund programs. If the commission promulgates such rules,~~
24 ~~a commercial mobile radio service provider~~ and shall respond, subject to the
25 protection of the commercial mobile radio service provider's competitive

2009 and the amount of
its one-time expenditures

INSERT 4-12

INSERT 4-8

1 information, to all reasonable requests for information about its operations in this
2 state from the commission necessary to administer the universal service fund s.
3 196.218 (3).

4 **SECTION 9.** 196.218 (3) (a) 3. c. of the statutes is created to read:

5 196.218 (3) (a) 3. c. The amount appropriated under s. 20.835 (1) (q) and (r).

6 **SECTION 10.** 196.218 (3) (e) of the statutes is renumbered 196.218 (3) (e) 1. a.
7 and amended to read:

8 196.218 (3) (e) 1. a. A telecommunications provider or other person may
9 establish a surcharge on customers' bills to collect from customers contributions
10 required ~~under this subsection to generate the amounts specified in par. (a) 3. a. and~~
11 b.

12 **SECTION 11.** 196.218 (3) (e) 1. b. of the statutes is created to read:

13 196.218 (3) (e) 1. b. A telecommunications provider or other person may
14 establish a surcharge on customers' bills to collect from customers contributions
15 required to generate the amounts specified in par. (a) 3. c. If a telecommunications
16 provider or other person establishes such a surcharge, the provider or other person
17 shall identify the surcharge on bills as "911 and emergency response surcharge."

18 **SECTION 12.** 196.218 (3) (e) 2. of the statutes is created to read:

19 196.218 (3) (e) 2. The commission shall provide telecommunications providers
20 and other persons the information necessary to establish the surcharges allowed
21 under subd. 1. a. and b.

22 **SECTION 13.** 196.218 (3) (f) of the statutes is amended to read:

23 196.218 (3) (f) Notwithstanding ss. 196.196 (1) and (5) (d) 2., 196.20 (2m), (5)
24 and (6), 196.213 and 196.215, a telecommunications utility that provides local
25 exchange service may make adjustments to local exchange service rates for the

1 purpose of recovering its contributions to the universal service fund required under
2 this subsection. A telecommunications utility that adjusts local exchange service
3 rates for the purpose of recovering such contributions shall separately identify on
4 customer bills ~~a single amount that is the total amount~~ the portion of the
5 ~~adjustment that is necessary to generate the amounts specified in par. (a) 3. a. and~~
6 ~~b. and the portion of the adjustment that is necessary to generate the amount~~
7 ~~specified in par. (a) 3. c., and shall identify the portion necessary to generate the~~
8 ~~amount specified in par. (3) (a) 3. c. as "911 and emergency response adjustment."~~
9 The ~~public service~~ commission shall provide telecommunications utilities the
10 information necessary to identify such ~~amounts~~ portions on customer bills.

11 **SECTION 14.** 196.218 (5) (a) 12. of the statutes is created to read:

12 196.218 (5) (a) 12. For the purposes provided in the appropriations under s.
13 20.835 (1) (q) and (r).

14 (END)

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1360/P2ins
MDK&JK:nwn:rs

Insert 4 - 8

1 (2) The department of revenue may adjust any amount reported under sub. (1)
2 to more accurately reflect the expenses paid for emergency services in the county or
3 municipality submitting the report.

Insert 4 - 12

4 (4) For purposes of this section, the amount of any decrease approved under this
5 paragraph shall permanently decrease the base amount of expenses for emergency
6 services provided in the county or municipality requesting the decrease.

by the amount of the decrease

Kreye, Joseph

From: Kunkel, Mark
Sent: Tuesday, January 20, 2009 2:09 PM
To: Kreye, Joseph
Subject: RE: LRB Draft: 09-1360/P2 Extending universal service fund assessment to cellular providers and appropriating assessments for shared revenue purposes

25.98 Wireless 911 fund. There is established a separate nonlapsible trust fund designated as the wireless 911 fund, consisting of deposits by the public service commission under s. 256.35 (3m) (f) 1. There is only one appropriation from the fund:

20.155(3)(q) General program operations and grants. From the wireless 911 fund, all moneys received under s. 256.35 (3m) (f) 1. to administer and make grants under s. 256.35 (3m) (d) and supplemental grants under s. 256.35 (3m) (e). No moneys may be encumbered or expended from this appropriation after April 1, 2009.

20.155 - ANNOT.

NOTE: Par. (q) is shown as affected by 2 acts of the 2007 Wisconsin legislature and as merged by the legislative reference bureau under s. 13.92 (2) (i).

From: Kreye, Joseph
Sent: Tuesday, January 20, 2009 2:06 PM
To: Kunkel, Mark
Subject: RE: LRB Draft: 09-1360/P2 Extending universal service fund assessment to cellular providers and appropriating assessments for shared revenue purposes

I think so.

What is the E911 fund? I need to appropriate moneys from it.

From: Kunkel, Mark
Sent: Tuesday, January 20, 2009 1:57 PM
To: Kreye, Joseph
Subject: FW: LRB Draft: 09-1360/P2 Extending universal service fund assessment to cellular providers and appropriating assessments for shared revenue purposes

Are you doing most of the heavy lifting on this redraft (based on Sara's voicemail)?

From: Hynek, Sara - DOA [mailto:Sara.Hynek@Wisconsin.gov]
Sent: Tuesday, January 20, 2009 1:46 PM
To: Kunkel, Mark
Cc: Kreye, Joseph
Subject: FW: LRB Draft: 09-1360/P2 Extending universal service fund assessment to cellular providers and appropriating assessments for shared revenue purposes

Mark, I think I forgot to mention on the phone – we also would like to ensure that whatever is in the E911 fund as of April 1, 2009 stays there – a statutory provision to prohibit further expenditures or distribution of the funds (currently, under PSC rules, the balance would be refunded to consumers).

Sara Hynek

01/20/2009

Dept. of Administration
608-266-1923

From: Schlueter, Ron [mailto:Ron.Schlueter@legis.wisconsin.gov]
Sent: Friday, January 16, 2009 11:50 AM
To: Hynek, Sara - DOA
Cc: Grinde, Kirsten - DOA; Hanaman, Cathlene - LEGIS; Beadles, Kathleen - DOA
Subject: LRB Draft: 09-1360/P2 Extending universal service fund assessment to cellular providers and appropriating assessments for shared revenue purposes

Following is the PDF version of draft 09-1360/P2.